

Application No.: 10/763,484

Art Unit: 2109

Docket No.: MWS-107

**REMARKS**

On entry of this Response, Applicants have amended claims 1, 18, 21 and 23-24 to incorporate the subject matter of claim 9. Applicants have also amended claims 10 and 22 to incorporate the subject matter of claim 11. Claims 9 and 11 have been canceled. No new matter has been introduced. Applicants submit that the foregoing amendment must be entered and considered.

Claims 1-8, 10 and 12-24 are pending, of which claims 1, 10, 18 and 21-24 are independent.

**I. Claim Rejections under 35 U.S.C. §102(b)**

Claims 1, 4-5, 7-9, 18-21 and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by Cookson (Office Action, page 3). Applicants respectfully traverse this rejection.

**A. Claim 1**

Amended independent claim 1 recites:

"A method of preventing use of an unauthorized copy of a software program comprising the steps of:  
searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium;  
determining the media type of the optical medium containing the software program; and  
inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical media has media type that indicates that the optical media is copied."

Claim 1 has been amended to recite "searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium." This new feature of claim 1 was previously recited in claim 9 (now canceled). Applicants respectfully submit that Cookson fails to disclose each and every feature of amended claim 1. For example, Cookson does not disclose at least the feature of "searching for a file on an optical

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medium containing the software program prior to determining a media type of the optical medium," as required in amended claim 1.

Cookson discloses copy-state code contained in the lead-in section of a disk to prevent copying of digital recordings, such as 00 (no restriction), 01 (first generation copy only), 10 (no more copies allowed) and 11 (no copies, ever). (Cookson, FIGS. 1 and 2). Cookson also discloses playing the disk if it is a ROM disk regardless of the copy-state code (Cookson, FIG. 4, reference number 50), and a writable disks with no-copy code is prevented from playing (Cookson, Abstract). Cookson is silent with respect to searching the optical medium for a file. Therefore, Cookson cannot disclose searching for a file on an optical medium containing the software program prior to determining the media type of the optical medium, as required by claim 1.

Cookson fails to disclose still other features of claim 1. For example, Cookson does not disclose at least "inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical media has media type that indicates that the optical media is copied," as further required by claim 1.

The Examiner alleges that Cookson discloses this feature at column 5, lines 44-49. (Office Action, page 3).

Cookson, at column 5, lines 44-49, recites:

Consequently, the 11 code on a writable disk is an indication that an illleit copy was made. In step 54 a test is performed to see whether the 11 code appears on a disk which has already been determined in step 50 to be of the writable type. If the 11 code is present, further play is aborted

In this portion, Cookson discloses that if the 11 code is present on the writable disk, further play of the disk is aborted.

Applicants respectfully submit that inhibiting the play of digital recordings is not inhibiting the execution of a software program required in claim 1. The digital recordings are not software programs. Rather, the digital recordings are input to a software program to play the

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digital recordings. Cookson does not disclose "inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical media has media type that indicates that the optical media is copied," as required by claim 1.

Furthermore, since Cookson is silent with respect to the file, Cookson cannot disclose "inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical media has media type that indicates that the optical media is copied," as required by claim 1.

For the reasons presented above, Applicants respectfully request that the 35 U.S.C. §102(b) of claim 1 be withdrawn.

**B. Claims 4-5 and 7-9**

Claim 9 has been canceled. Therefore the rejection of this claim is moot. Claims 4-5 and 7-8 depend from independent claim 1 and, as such, incorporate the subject matter of claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. §102(b) of claims 4-5 and 7-9 be withdrawn.

**C. Claim 18**

Independent claim 18 recites:

"A method of preventing execution of an unauthorized copy of a software program stored on an optical medium, comprising the steps of:

searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium;

determining the media type of the optical medium; and  
executing the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has a media type that indicates that the optical medium is an original version."

Claim 18 is amended to recite "searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium." Applicants

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respectfully submit that Cookson does not disclose at least the following features of amended claim 18: "searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium" and "executing the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has a media type that indicates that the optical medium is an original version." As discussed above in connection with claim 1, Cookson fails to disclose searching for a file prior to determining the media type of the optical medium and executing a software program stored on the optical medium.

For at least the reasons presented above, Applicants submit that Cookson does not disclose each and every feature of amended claim 18. Applicants respectfully request that the 35 U.S.C. §102(b) of claim 18 be withdrawn.

**D. Claims 19-20**

Claims 19-20 depend from independent claim 18 and, as such, incorporate the subject matter of claim 18. Accordingly, Applicants respectfully request that the 35 U.S.C. §102(b) of claims 19-20 be withdrawn.

**E. Claim 21**

Independent claim 21 recites:

"A computer-readable optical medium containing instructions for preventing use of an unauthorized copy of a software program stored on the optical medium, the instructions comprising the steps of:

searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium;

determining the media type of the optical medium containing the software program; and

inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has media type that indicates that the optical medium is copied."

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Claim 21 is amended to recite "searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium." Amended claim 21 is a medium claim that parallels amended claim 1. As discussed above in connection with claim 1, Cookson does not disclose at least the following features of amended claim 21: "searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium" and "inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has media type that indicates that the optical medium is copied." For at least these reasons, Cookson does not disclose each and every feature of amended claim 21. Therefore, Applicants respectfully request that the 35 U.S.C. §102(b) of claim 21 be withdrawn.

**F. Claim 23**

Independent claim 23 recites:

"A computer-readable optical medium containing instructions for preventing execution of an unauthorized copy of a software program stored on the optical medium, the instructions comprising the steps of:

searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium;

determining a media type of the optical medium; and  
executing the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has a media type that indicates that the optical medium is an original version."

Claim 23 is amended to recite "searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium." Amended claim 23 is a medium claim that parallels amended claim 18. As discussed above in connection with amended claim 18, Cookson does not disclose at least the following features of amended claim 23: "searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium" and "executing the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has a media type that indicates that the optical medium is an original version." For at least these

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reasons, Cookson does not disclose each and every feature of amended claim 23. Accordingly, Applicants respectfully request that the 35 U.S.C. §102(b) of claim 23 be withdrawn.

## **II. Claim Rejections under 35 U.S.C. §103(a)**

Claims 2-3, 6, 10-17, 22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cookson (Office Action, page 5). Applicants respectfully traverse this rejection.

### **A. Claims 2-3 and 6**

Cookson does not disclose or suggest the features of dependent claims 2-3 and 6. Applicants respectfully submit that Cookson fails to disclose or suggest at least the following features of amended claim 1: "searching for a file on an optical medium containing the software program prior to determining a media type of the optical medium" and "inhibiting execution of the software program stored on the optical medium if the optical medium has media type that indicates that the optical medium is copied." For at least the reasons presented above, Cookson does not disclose or suggest all of the features of claim 1 from which claims 2-3 and 6 depend. Therefore, Cookson does not support a valid 35 U.S.C. §103(a) rejection of claims 2-3 and 6.

### **B. Claim 10**

Amended independent claim 10 recites:

"A method of authenticating an original optical medium comprising the steps of:  
inserting the optical medium in a compact disk-read/write (CD-R/W) drive of a computer;  
searching for a file on the optical medium prior to checking a media type the optical medium; and  
checking the media type of the optical medium."

Claim 10 is amended to recite "searching for a file on the optical medium prior to checking a media type the optical medium." This feature was previously recited in claim 11 (now canceled). Applicants respectfully submit that Cookson does not disclose or suggest at least the following feature of amended claim 10: "searching for a file on the optical medium

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prior to checking a media type the optical medium." For at least the reason presented above, Applicants submit that Cookson does not disclose or suggest all of the features of amended claim 10. Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 10 be withdrawn.

**C. Claims 11-17**

Claim 11 is canceled. Claims 12-17 depend from independent claim 10 and as such, incorporate the subject matter of claim 10. Accordingly, Cookson does not disclose or suggest all of the features of claim 10 from which claims 12-17 depend. Therefore, Applicants respectfully submit that Cookson does not support a valid 35 U.S.C. §103(a) rejection of claims 11-17.

**D. Claim 22**

Amended independent claim 22 recites:

"A computer-readable optical medium containing instructions for implementing the steps of:  
detecting insertion of the optical medium in a compact disk-read/write (CD-R/W) drive of a computer;  
searching for a file on the optical medium prior to checking a media type the optical medium; and  
checking the media type of the optical medium."

Claim 22 is amended to recite "searching for a file on the optical medium prior to checking a media type the optical medium." Amended claim 22 is a medium claim that parallels amended claim 10. As discussed above in connection with claim 10, Cookson does not disclose or suggest at least the following feature of amended claim 22: "searching for a file on the optical medium prior to checking a media type the optical medium." For at least this reason, Applicants submit that Cookson does not disclose or suggest all of the features of amended claim 22. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 22 be withdrawn.

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**E. Claim 24**

Amended independent claim 24 recites:

"An electronic device comprising:  
memory for storing computer program instructions,  
a processor for executing the stored computer program instructions, and  
a compact disk-read/write (CD-R/W) drive for receiving an optical medium containing a software program, the computer program instructions including instructions for searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium, determining the media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has media type that indicates that the optical medium is copied."

Claim 24 is amended to recite "searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium." Applicants respectfully submit that Cookson does not disclose or suggest at least the following feature of amended claim 24: "the computer program instructions including instructions for searching for a file on the optical medium containing the software program prior to determining a media type of the optical medium, determining the media type of the optical medium and inhibiting execution of the software program stored on the optical medium if the file is missing on the optical medium or the optical medium has media type that indicates that the optical medium is copied." Cookson fails to disclose or suggest searching a file prior to determining the media type of the optical medium and inhibiting execution of a software program stored on an optical medium. For at least the reasons presented above, Cookson does not disclose or suggest all of the features of amended claim 24. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 24 be withdrawn.

**III. Conclusion**

In light of the above amendments and arguments, Applicants respectfully submit that all of the pending claims are in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.



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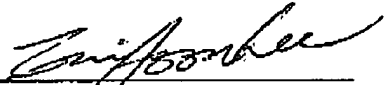
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Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-107. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: December 11, 2007

Respectfully submitted,

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